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CHAMBERS OF COLLEEN McMAHON

VIA FACSIMILE (212) 805-6326

Hon. Colleen McMahon
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street, Suite 1350
New York, New York 10007

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I was a false
pretend order on*

Re: Allen v. UCP of NYC, et al., 11 CV 8057 (CM)(KNF) (S.D.N.Y.)

10/22

Dear Judge McMahon:

MEMO ENDORSED

We represent the Plaintiff in the above-referenced employment discrimination matter. We are writing regarding scheduling issues with the joint pre-trial memorandum, which is presently due to the Court on Friday. We feel compelled to raise these scheduling issues with the Court at this juncture, as it has become impossible to rely on representations made by the Defendants with respect to this proceeding, the Court already extended the deadline once and only a few days remain until the final deadline, which we understand will not be extended a second time.

In mid-September, the Defendants strongly encouraged the Plaintiff to join their request for an extension to file the pre-trial memorandum and their motion for summary judgment. Defendants stated erroneously that the additional time would be valuable as the Defendants intended to use this time to engage in settlement negotiations.

As per the Defendants' second of two (2) letters of September 21, 2012, which was endorsed by the Court September 25, 2012 (*see* Docket 23), the deadline for the pre-trial memorandum in this matter was extended to October 26, 2012. During this period of additional time, Defendants' counsel never conveyed any offer to settle this matter and filed a lengthy Motion for Partial Summary Judgment, something we now believe they always intended to do.

After the Defendants' Motion was filed, they elected to draft the joint pre-trial memorandum and sought additional time from our office for drafting. Last Friday afternoon, October 19, 2012, we received the Defendants' "draft," which is a short six-page (6-page) double-spaced document, which document does not even begin to come close to satisfying what this office would consider a pre-trial memorandum (*see enclosed*), and is merely an exact recitation of the fact section of their summary judgment brief.

The Plaintiff will now take the very limited time that remains and prepare an appropriate and comprehensive pre-trial memorandum, which the Plaintiff intends to provide to the

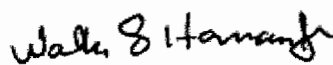
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Defendants for comment this Thursday, October 25, 2012 and to file with the Court the following day as per the Court's directive.

We thank the Court for Its time and attention to this matter.

Respectfully submitted,
THE HARMAN FIRM, PC



Walker G. Harman, Jr.

Enclosure: Defendants' draft joint pre-trial memorandum

Cc: Sean Close, Esq. (*via email* sclose@putneylaw.com)
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